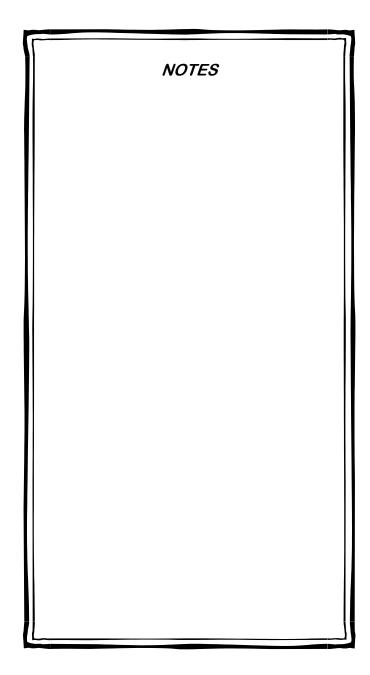
A Handbook for Parents and Guardians in Child Abuse and Neglect Cases

A Resource for: Parents and Guardians



This document was published by the Department of Health and Social Services, Division of Family and Youth Services, at a cost of \$ per copy. The purpose of the document is to provide information to families served by DFYS. This document was printed in Juneau, Alaska.



NOTES

Being involved in a child abuse and neglect case can be very confusing and stressful for a family. Not knowing what your rights are, and what to expect, can make it even harder.

This handbook will help you understand what will happen, and what steps you need to take in the best interest of your child.

It may be helpful to keep this booklet with you so you can write the names of the people who will be helping you, the dates of meetings and court hearings, and some notes of questions or things you wish to talk about.

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The Termination Court Hearing

If you have not made the necessary changes in your life and home to ensure the safety and well-being of your child within a reasonable period of time, DFYS may file a petition seeking the termination of your parental rights. From the date the petition is filed, the court has six months to complete the **Termination Court Hearing.** Until this trial is complete, DFYS may continue to provide services for you and your children to work toward a possible reunification.

At this hearing, a judge will carefully consider the evidence presented on the reason(s) DFYS believes you cannot provide a safe home for your child and what you and the other parties believe about your ability to care safely for your child, in order to decide whether your parental rights will be terminated.

The termination court hearing is usually fairly long, and may last several days.

It is extremely important that you attend this hearing with your attorney, so you may make sure the judge hears your evidence on the care of your child.

The time and location of your Termination Court Hearing is:

Date and Time:

Location:
Things I want to discuss or ask about:

The Permanency Court Hearing

If your child remains in custody for 12 months, there will be a **Permanency Court Hearing** where the court will review the proposed permanent plan for your child. The court is required by law to make findings related to: 1) whether or when your child should be returned to a parent; 2) whether your child should be placed for adoption or legal guardianship and whether a petition for termination of parental rights should be filed by DFYS; and 3) whether the child should be placed in another planned, permanent living arrangement and what steps are necessary to achieve this new arrangement.

A court-approved plan for permanent placement outside of your home means you have failed to make the necessary changes in *your* home to assure the safety of your child, and you may lose your child permanently.

It is very important that you attend the Permanency Court Hearing.

The time and location of your Permanency Court Hearing is:
Date and Time:
Location:
Things I want to discuss or ask about:

Alaska law requires that the Division of Family and Youth Services (DFYS) investigate allegations of abuse or neglect of children. When DFYS believes that a child's well being may be in danger, or if they believe the child has been harmed, they may take custody of the child until a Court can determine whether out-of-home placement is necessary, and what steps, if any, need be taken before the child may be returned home.

Your child may be placed in a group home, foster home or, preferably, in the care of a qualified relative.

DFYS will work with you to understand what needs to be done to have your child returned home, and will assist you in obtaining any help you need in that effort.

In most cases, this will include a "case plan for reunification", a written document between you and the state as to what must be done in order to have your child returned to you. This may include changes you need to make personally, changes in the home, successful completion of treatment programs, and support services that can assist you in making those changes.

You have the right to actively participate in this process and help develop the plan to meet your needs and capabilities.

Your completion of the reunification (case) plan will have a direct effect on when your child may be returned to you.

Division of Family & Youth Services Offices

Central Office P.O. Box 110630 Juneau, AK 99801-0630	465-3191
Southeast Region 3025 Clinton Dr. Ste 200 Juneau, AK 99801	465-3235
Southcentral Region 268 E. Fireweed Ste 5 Palmer, AK 99645-6665	746-6830
Anchorage Region 550 W. 8th Ave, Ste 304 Anchorage, AK 99501-3553	269-3950
Northern Region 751 Old Richardson Hwy, Ste 300 Fairbanks, AK 99701	451-2650

Public Defender Agency

Central Office	264-4400
900 W. 5th Ave, Ste 200	
Anchorage, AK 99501-2090	

DFYS Offices

Anchorage	269-4050 800-478-4444	Aniak	675-4377 877-987-6701
Barrow	852-3397 800-644-3397	Bethel	543-3141 800-557-3141
Cordova	424-7133	Craig	826-3266
Delta Juncti	on 895-4452 877-987-6702	Dillingham	842-2341 888-297-5951

The Permanency Planning Conference at DFYS

Between 9 and 10 months from the time your child is taken into custody, there will be a **Permanency Planning Conference** to determine what DFYS believes to be the best *permanent* placement for your child. The Permanency Planning Conference is an internal meeting of DFYS staff, the Guardian Ad Litem and the Tribe, if relevant. Parents are *not generally invited* to attend this meeting.

During this conference, it will be decided whether the permanency goal that will be recommended to the Judge at the Permanency Hearing will be to return your child home, or to begin making plans for adoption or some other permanent arrangement outside of your home.

sk about:

The Family & Children 6 Month Review/ Conference at DFYS

When a child is in an out-of-home placement or in a temporary home visit, a meeting is held to review the case plan progress every 6 months. This meeting is called **the Family and Children 6 Month Review/Conference**.

This will give you an opportunity to discuss your progress on the case plan with your social worker and determine what steps may still need to be taken to successfully accomplish the goals.

It is very important that you attend the Family and Children 6 Month Conference so you can tell the social worker how you have been working with the case plan, and to understand what you still need to do in order to have your child returned home. You may invite your attorney to attend this meeting if you wish to have them present.

The time and location of your Family and Children 6 Month Review/Conference is:
Date and Time:
Location:
Things I want to discuss or ask about:

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DFYS Offices (cont.)

Fairbanks	451-2650 800-353-2650	Fort Yukon	662-2331 877-987-6703
Galena	656-1667 877-987-6704	Haines	766-2608
Homer	235-7114	Juneau	465-1650 888-622-1650
Kenai	283-3136	Ketchikan	225-6611 888-644-3397
King Salmo	n 246-6642 888-644-3397	Kodiak	486-6174 800-770-6174
Kotzebue	442-3226 800-440-9226	Mat-Su	745-1701
McGrath	524-3848 877-987-6705	Nome	443-5247 800-440-5247
Petersburg	772-3565 877-772-3560	Seward	224-5236
Sitka	747-8608 800-478-8605	St. Mary's	438-2200 877-987-6707
Unalaska	581-1236	Valdez	835-4789 888-297-5950
Wrangell	874-3789		

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If DFYS takes your child into custody, you have the RESPONSIBILITY to act in the best interest of your child. You also have RIGHTS which must be honored.

What Are Your RIGHTS AND RESPONSIBILITIES?

You have the right to be notified immediately. Under Alaska statute, the department must notify the parent or Indian Custodian within 24 hours of taking custody of a child. Is some situations, the Court gives DFYS supervision of the child, but does not give them custody. In those cases you continue to have physical custody of your child and DFYS has the responsibility to supervise the case and report back to the court.

You have the responsibility to contact the department. In the event you were not present at the time your child was taken into custody, it is important that you contact the Division of Family and Youth Services immediately. See page 5 of this handbook for the office nearest you.

You have the right to be represented by an attorney. If you are unable to afford an attorney, the State of Alaska will appoint one to represent you in this matter.

You have the responsibility to work with your attorney. You must keep your attorney informed of your contact phone number or address. Your attorney may make suggestions on changes you need to make in your life that will help in the effort to reunite you with your child. It is your responsibility to consider those suggestions carefully and take action in the best interest of your child.

You have the right to be present at all hearings involving custody of your child and the responsibility to attend those hearings.

The Disposition Court Hearing

The **Disposition Hearing** may be held at the same time as the adjudication hearing, or shortly after it.

At the Disposition Hearing, the Judge will decide who will have custody of your child and may order a case plan for you and your child if everyone agrees on it.

You need to cooperate with your case plan, and work diligently to achieve the goals set forth within it. If you do not cooperate with the case plan and do not make the necessary changes to ensure the safety and well-being of your child, you could lose your rights to your child.

It is very important that you attend the Disposition Hearing, so that you completely understand what you need to do in order to have your child returned.

The time and location of your Disposition Hearing is:

Date and Time:______

Location:_____

Things I want to discuss or ask about:

The Adjudication Court Hearing

You have the right to a trial before a Judge on the allegations which were listed in the petition. This trial is called the **Adjudication Hearing.** This is a fact-finding court hearing. It will be held within 120 days of when you receive the petition.

At the Adjudication hearing, the Judge will listen to the evidence and decide if your child has been abused or neglected. Your attorney will help you present evidence to explain your side of the story.

If abuse or neglect are determined, the Judge will decide what needs to happen for you and your child in order to have your child returned to you. This decision is called the *disposition*.

It is extremely important that you attend the Adjudication Hearing so that you may respond to the Judge if he or she has any questions of you.

The time and location of your Adjudication Hearing is:

Date and Time:	
Location:	
Things I want to discuss or ask about:	

You have the right to request a continuance of the temporary custody hearing. If you feel you are not prepared to respond to the department's petition for custody, you or your attorney may request a continuance to allow for more time.

You have the responsibility to respond to the allegations made in the petition for temporary custody. It is important that you take the allegations seriously, and be prepared to respond to them at the next hearing date.

You have the right to refuse entry into your home. However, when the social workers are acting out of immediate concern for the safety of the children present, they may obtain an order from the court and request assistance from public safety officers to carry out their duty.

You have the responsibility to obey the orders of the court. In the event a court order is issued authorizing social workers and/or public safety officers entrance into your home, you have the responsibility and the legal obligation to comply.

You have both the right and responsibility to visit with your child. Since DFYS is charged with reuniting families if possible, you have the right to visit with your child if it is in the child's best interest. These visits may be supervised. If you do not agree with the visitation plan, you can request a review hearing before the court.

You have the responsibility to be on time for visits. It is difficult for children if their expectation of seeing their parent is not met. The Division can require that you call before the visit and arrive early in order to assure that the visit is a positive experience for the child.

You have the right to participate in the development of a case plan designed to help you work toward having your child returned home. The law requires that the Division present a case plan, for you and your social worker to sign, and that the plan set out clearly what the Division expects of you, and what services the division will help you obtain in your efforts to reunite your family. It would be wise to request your attorney attend the meeting at which the case plan is set out, or advise you on its contents before you sign.

You have the responsibility to follow through with your part of the case plan. The case plan is essentially a contract. If you want your child returned to you, you must successfully complete all parts of your contract with the Division. If you believe the plan needs to be modified, you should contact your case worker.

You have the responsibility to contribute monetary support toward the cost of care for your child while they are in out-of-home care, unless this responsibility has been delegated to a guardian. The court will usually order you to complete and mail or deliver the Child Support forms within 30 days to the Child Support Enforcement Division (CSED). CSED will then determine the amount of the support and establish a support order. It is your responsibility to pay the child support that is ordered in a timely manner. It is your right to ask for a review of your situation if you can not pay.

You have the right to consent to major medical treatment, except in cases of emergency. Major medical treatment/care is defined as: any planned hospitalizations; surgical procedures involving general anesthesia (this may include general anesthesia being used for very young children when tubes are being put in their ears); birth control prescriptions or intrauterine devices (IUDs); abortions; or the use of psychotropic medication or any drugs prescribed for mental illness or behavioral problems. You have the responsibility to keep the social worker notified of your whereabouts in case you are needed to consent to any of the above treatments. If you are not available to sign consent, the social worker will ask the court to grant permission for treatment.

You have the responsibility to provide needed information to the social worker regarding any Medicaid, Tri Care (military medical coverage), Alaska Native Health Service, or private medical/health insurance coverage of your child, and to make that coverage available to your child. You have the responsibility to cooperate with the social worker in providing any financial, or related information necessary to apply for Medicaid coverage.

You have the responsibility to provide your social worker with any of your child's necessary school, medical or counseling/therapy records.

You have the responsibility to provide the social worker with information about any financial or monetary benefits your child may currently have, or be eligible for. Financial or monetary benefits may be inheritances, trust funds, corporation shares, stocks or dividends, bank accounts, social security payments or child support payments.

The Family & Children Early Conference at DFYS

The Family & Children Early Conference is held within 90 days of the temporary custody hearing.

It is at this meeting that your social worker will review the case plan with you to identify what services need be provided to help your family. At this time the social worker will also make sure you understand how critical it is that you follow the case plan and make the necessary changes to assure the safety and well being of your child.

If you do not accomplish the goals in the case plan within a certain amount of time, you could lose custody of your child permanently.

The time and location of your Family and Children Early Conference is:
Date and Time:
Location:
Things I want to discuss or ask about:

The Pre-Trial Conference and Meeting of the Parties (these meetings may be referred to as the In Chambers Conference, Interim Case Conference or Status Conference depending upon your location)

The Pre-Trial Conference is conducted in court and covers a wide range of legal issues, just a few of which may be: 1) efforts to locate and serve all parties; 2) consideration of amendments to the legal paperwork; and 3) determination of whether the child will be present and testifying, and if so, under what conditions.

At least 30 days prior to the Pre-Trial Conference a Meeting of the Parties is held either telephonically or in person to ensure that an appropriate case plan is in place for the child and the family. The topics that will be discussed at the Pre-Trial Conference also will be addressed at the Meeting of the Parties. Contact your attorney to inquire about attending the Meeting of the Parties and the Pre-Trial Conference.

The time and location of your Pre-Trial Conference is:
Date and Time:
Location:
Things I want to discuss or ask about:

You have the responsibility to provide your child's clothing, school materials, and any belongings that are important to the child when your child is placed in out-of-home care. Important belongings may be such things as prized toys, games, books, blankets, pillows, pictures or albums, musical instruments, radios, bicycles or sporting equipment.

You have the right to consent to your child getting married or enlisting in the military. If the social worker disagrees that marriage or the military is in the best interest of your child, DFYS may ask the court to review the issue.

You have the right to express a religious preference for your child. However, beginning at age nine, your child may express their own religious preference. The people caring for your child will need to find a resource of your preference and enable the child to attend religious functions.

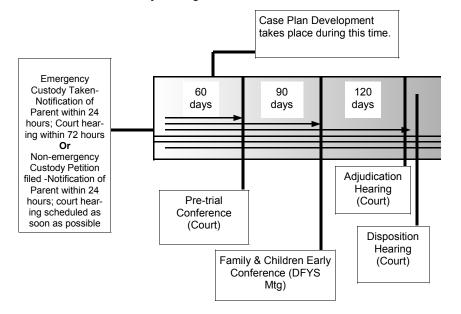
You have the right to give permission for any major alterations in your child's appearance. Examples of major alterations in appearance may include such things as long hair being cut short, tattoos or the piercing of any body parts.

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Important Court Hearings and DFYS Meetings You Must Attend

You may be asked to attend several court hearings, agency reviews and other meetings so that the Judge and others can listen to all sides and decide how to help your family. Many cases of this nature get resolved quickly and the children go home in a short period of time, with fewer court hearings than are listed here.

- Temporary Placement Hearing
- Pre-trial Conference
- Family and Children Early Conference
- Adjudication Hearing
- Disposition Hearing
- Family and Children 6 Month Conference
- Permanency Planning Conference
- Permanency Hearing



The Temporary Custody Court Hearing (this meeting may also be referred to as the Probable Cause Court Hearing, depending upon your location.)

If DFYS removes a child to provide protection in an emergency, DFYS has twenty-four hours to decide whether a petition needs to be filed. If a petition is filed, the **Temporary Custody Court Hearing** will be held within forty-eight hours.

At the Temporary Custody hearing, the Judge will decide if there is cause for your child to remain in the custody of the state. If the Judge finds cause for your child to remain in custody, your social worker will work with you to develop a case plan for reunification which will meet the safety needs of your child.

If you feel you are not prepared to respond to the allegations made in the petition for custody, you may request a continuance of this hearing, if you are present, to give you time to consider what you should do. It is very important that you attend this hearing so that you may let the court know your thoughts about the allegations made by DFYS.

The time and location of your Temporary Custody Hearing is:

Date and Time:	
Location:	
Things I want to discuss or ask about:	

What Happens When DFYS Becomes Involved With a Native Child

Native children are protected by a federal law called the Indian Child Welfare Act (ICWA). The parents or Indian Custodians of Native children also have additional rights. The heritage of native children must be explored, and their tribes have a right to participate in court hearings and in decisions about the care of the child. Parents or Indian Custodians should tell the social worker their child is Alaska Native or Outside Indian, and what tribe their child is a member of, or eligible for membership in. Parents or Indian Custodians should also contact their attorney, tribe, village council, or Native non-profit corporation to find out more about their rights under ICWA.

Tribe, Village or Native Non-Profit Corporation contacts:

Others Who Might Be Involved in Your Case

Your Child's Advocate - the Guardian Ad Litem (GAL)

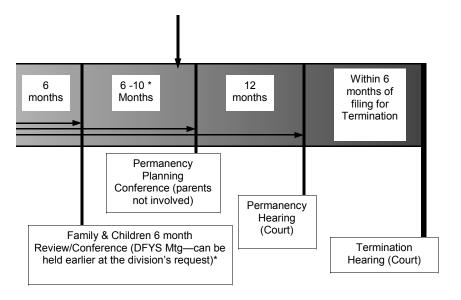
Your child will have an advocate appointed by the Court. This advocate is called a Guardian Ad Litem (GAL). The GAL's job is to meet with you, your child, and the social worker to gather information about your family and get to know your child, then tell the Court what is best for your child. The GAL is also assisted by a volunteer called a Court Appointed Special Advocate (CASA). You may interact with this person as well.

The Division of Family and Youth Services Attorney

The Division of Family and Youth Services (DFYS) also has an attorney. This attorney puts the basic facts of the case into writing and gives them to the Judge. In Court, this person represents DFYS, who must prove why your child should be in custody, at least for the time

Each court hearing and meeting has a different purpose. They are described in this handbook so that you know what to expect at each hearing or meeting, when and where it will be held, and why it is important for you to attend.

If you have not shown the court that you have completed the provisions in the case plan to ensure the safety of your child, a petition for termination of parental rights may be filed at this time. If this happens, you could lose custody of your child PERMANENTLY!



Who Will Help?

Your Social Worker

When your child is taken into custody, you will be given the name and phone number of a Social Worker from DFYS. Your Social Worker will:

- Contact you to give you more information and ask you some questions,
- Maintain contact with you and your child,
- Help you understand the problems that caused the department to take emergency custody, and
- Help you work on your case plan, which lists the steps you must take to have your child returned to you.

If you do not hear from your Social Worker for a while, or if you have questions or problems, call him or her.

Your Social Worker's contact information is:

Name:			
Address:			
Phone:			
Best Tim	e to Call:		



Note: It is a good idea to take notes when you speak with your social worker. Sometimes the information can be very confusing, and this will help you keep track of what you need to do.

Your Attorney

At the temporary custody court hearing (also known as the probable cause court hearing), which is the first hearing you must attend, you will be informed of your right to an attorney. If you cannot afford to pay for an attorney, one will be appointed for you by the Court. Your attorney will:

- Help you to understand your rights and the decisions you need to make.
- Tell you about the hearings you must attend and what to expect at each hearing, and
- Speak for you in court.

If you do not hear from your Attorney for a while, or if you have questions or problems, call him or her.

Your Attorney's contact information is:

Name:	
Address:	
Phone:	
Best Time	e to Call:



Note: Your attorney (and social worker) may be unavailable as they are responsible for helping other people too. Be sure to leave a reliable contact number where you may be reached in the event they are not available when you call, then be there.